



#10

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

In re Application of: Mathilde Benveniste

Docket No.: 2000-0611 P (Old 2000-0611E)

Serial No.: 10/032,507

Group Art Unit: 2176

Filed: January 2, 2002

Examiner: TBA

Petitions Attorney: Kenya A. McLaughlin

Title: Random Method Access Methods with Backoff Adaptation to Traffic

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OFFICE OF PETITIONS

COMMISSIONER FOR PATENTS

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WASHINGTON, D. C. 20231

SIR:

REQUEST FOR RECONSIDERATION OF  
PETITION UNDER 37 CFR § 1.47(b)

The undersigned hereby responds to the dismissal of the Petition under 37 C.F.R. § 1.47(b). The undersigned submits that this Request, in addition to the statements and material submitted with the Petition on April 17, 2002, satisfies all the requirements of a Petition under 37 C.F.R. § 1.47(b). The undersigned respectfully requests reconsideration of the dismissal and a grant of the Petition.

At the outset, the undersigned thanks the Petitions Attorney for the phone conversation of Thursday, October 17, 2002 discussing the outstanding dismissal and petition requirements.

The dismissal alleged that the Petition was lacking the following requirements:

- (1) Proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers;
- (2) An acceptable oath of declaration in compliance with 35 U.S.C. §§ 115 and 116; and

(3) Proof of a proprietary interest.

These three items are addressed herein in order.

**(1) Proof That The Non-Signing Inventor Refuses To Sign The Oath Or Declaration After Having Been Presented With The Application Papers**

The undersigned inadvertently omitted the following facts with the filing the Petition.

On March 22, 2002, an AT&T Corp. patent attorney, Mr. Benjamin Lee, personally met with Ms. Benveniste and her supervisor, Mr. Robert Calderbank at Ms. Benveniste's exit interview. Mr. Lee had in his possession a complete copy of the above-referenced application as filed, including the specification, claims and drawings, a declaration and an assignment. Mr. Lee presented these papers to Ms. Benveniste for execution and Ms. Benveniste declined to execute them.

Since the filing of the Petition on April 17, 2002, the following facts have transpired.

Ms. Benveniste sent an electronic mail to Mr. Samuel H. Dworetsky on July 16, 2002 alleging that she "claims ownership" in the above-referenced application, in addition to two other applications, evidencing her intention of continued non-cooperation. A copy of this correspondence is attached as **Exhibit A**.

In an abundance of caution in satisfying the requirements for this Petition, the undersigned further sent Ms. Benveniste on September 4, 2002, another complete copy of the above-referenced application as filed, including the specification, claims and drawings, a declaration and an assignment, via U.S. Registered Mail, Return Receipt Requested. These papers were sent to Ms. Benveniste's current address of 76 Harding Drive, South Orange, NJ, 07079. A copy of the letter and formal documents (w/o the application for brevity) is attached as **Exhibit B**.

These papers, along with the receipt, were returned to the office of the undersigned unopened. Copies of the envelope and receipt indicating that the item was unsuccessfully delivered are attached as **Exhibit C**.

Upon knowledge and belief, no further communication has been received by this office from Ms. Benveniste regarding this outstanding patent matter to date.

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Given the foregoing, the undersigned believes that sufficient proof has been proffered evidencing that Ms. Benveniste refuses to sign the declaration after having been presented with the application papers on at least two separate occasions and respectfully requests reconsideration of this requirement.

**(2) An Acceptable Oath Of Declaration In Compliance With 35 U.S.C. §§ 115 And 116**

The dismissal alleges that the declaration was not executed on behalf of the 37 C.F.R. § 1.47(b) applicant by an authorized party. The undersigned filed, subsequent to the Petition, two Powers of Attorney on July 25, 2002. The first Power is a letter from AT&T Corp. Vice President Mr. Mark C. Rosenblum, granting AT&T Corp. General Attorney Mr. Samuel H. Dworetsky consent to prosecute domestic patent matters. The second Power is an Associate Power of Attorney authorizing myself, as an attorney identified with Customer No. 26,652 to prosecute the above-referenced application in the U.S. Patent and Trademark Office. The undersigned includes a copy of this filing herewith as **Exhibit D**.

As such, the undersigned believes that the undersigned is authorized by an authorized party and respectfully requests reconsideration of this requirement.

**(3) Proof Of A Proprietary Interest**

The dismissal alleges that it has not been satisfactorily demonstrated that AT&T Corp. has sufficient proprietary interest to proceed with the above-referenced application on behalf of the inventor, Ms. Benveniste.

As an employee of AT&T Corp., Ms. Benveniste was contractually obligated to assign all her rights to AT&T Corp. for inventions that are made in the ordinary course of her employment as evidenced by the Agreement for Assignment of Inventions executed by Ms. Benveniste on August 26, 1985 ("Agreement"). A copy of this Agreement is attached as **Exhibit E**.

Under the Agreement, Ms. Benveniste assigned her rights to Bell Telephone Laboratories, Incorporated. Bell Telephone Laboratories, Inc. subsequently merged in American Telephone and Telegraph Co., evidence of which is attached as **Exhibit F**. American Telephone and Telegraph Co. then changed its' name to AT&T Corp., the current company petitioning the U.S. Patent Office, evidence of which is attached as **Exhibit G**. The undersigned believes that the above-referenced patent application

**PATENT APPLICATION**

Application No. 10/032,507

October 18, 2002

discloses an invention that would be covered by the Assignment because the present invention was made in the ordinary course of her employment.

Given the foregoing, because AT&T Corp. has a sufficient proprietary interest in the application, it is entitled to make an application for patent on its own behalf.

**Other Patent Applications in Which Nearly Identical Petitions Under 37 CFR 1.47(B) Have Been/Will Be Filed**

The undersigned has already filed similar petitions in three other applications and will be filing similar petitions in at least six other applications as listed below.

Docket No.	Serial No.	Petition Status
2000-0611	09/985,257	Filed on April 17, 2002; Petition dismissed on August 30, 2002; Request for Reconsideration being filed shortly.
2001-0357	10/187,132	Filed with original application on 6/28/02.
2001-0357A	10/187,158	Filed with original application on 6/28/02.
2001-0357C	10/256,384	To be filed.
2001-0357D	10/256,299	To be filed.
2001-0357E	10/256,471	To be filed.
2001-0357F	10/256,516	To be filed.
2001-0357G	10/256,305	To be filed.
2001-0357H	10/256,309	To be filed.

**Conclusion**

Given the foregoing, the undersigned submits that the requirements for the Petition under 37 C.F.R. § 1.47(b) have been satisfied. The undersigned respectfully requests reconsideration of the dismissal and a grant of the Petition.

This Petition is being submitted one month after the two-month statutory period and a one-month extension of time is being submitted herewith. **The U.S. Patent and Trademark Office is authorized to charge or credit any fee due or overpaid to the U.S. Patent and Trademark Office via AT&T Corp.'s Deposit Account 01-2745.**

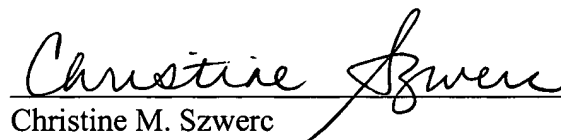
**PATENT APPLICATION**

Application No. 10/032,507

October 18, 2002

Any questions in regard to the application or this Request may be directed to the undersigned at (908) 532-1854.

Respectfully submitted,



Christine M. Szwerc

Reg. No. 43,177

Attorney for Petitioner, AT&T Corp.

Date: Oct. 18, 2002

AT&T Corp.  
200 Laurel Ave  
P.O. Box 4110  
Middletown, NJ 07748

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**From:** Mathilde Benveniste [REPLYTO: benveniste@ieee.org] [mailto:benveniste.m@att.net]  
**Sent:** Tuesday, July 16, 2002 12:42 PM  
**To:** Dworetsky, Samuel H - LGA  
**Subject:** Re: Pending Patent Applications

Sam,  
I apologize for the delay in answering, but I was traveling.

I claim ownership of the following inventions:

- (1) application number 09-985257, entitled: "Tiered Contention Multiple Access (TCMA): A Method For Priority-Based Shared Channel Access", filed on November 2, 2001
- (2) application number 10-032507, entitled: Random Medium Access Methods With Backoff Adaptation To Traffic", filed on January 2, 2002, and
- (3) provisional application on Neighborhood Capture, filed on December 21, 2001.

Mathilde Benveniste

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973-761-6105

----- Original Message -----

**From:** Dworetsky, Samuel H - LGA

**To:** [benveniste@ieee.org](mailto:benveniste@ieee.org)

**Sent:** Monday, July 08, 2002 9:25 AM

**Subject:** RE: Pending Patent Applications

Mathilde

To avoid any confusion, and to permit me to look into this further, can you please tell me with sufficient specificity which inventions you claim that you own

**Samuel H. Dworetsky**

Room 3249J1  
295 N. Maple Ave.  
Basking Ridge, NJ 07920

908-221-5234 (voice)  
908-221-5783 (fax)  
email: [samuelh@att.com](mailto:samuelh@att.com)

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Christine M. Szwerc  
Senior Attorney  
Intellectual Property - Law

295 N. Maple Avenue  
Room 3245F2  
Basking Ridge, NJ 07920  
Telephone: 908-221-8930  
Fax: 908-221-5783  
E-mail: szwerc@lga.att.com

September 4, 2002

*Via Certified Mail 7000 0600 0029 5245 8703*

**Return Receipt Requested**

Ms. Mathilde Benveniste  
76 Harding Drive  
South Orange, NJ  
07079

RE: U.S. Patent Application  
Title: Random Medium Access Methods With Backoff Adaptation to Traffic  
Serial No.: 10/032,507  
Filed: January 2, 2002  
Attorney Docket No. 2000-0611 CIP

Ms. Benveniste:

I understand from your electronic mail to Mr. Samuel Dworetsky of July 16, 2002 that you "claim ownership" of the invention disclosed in the above-referenced application. We remain confident in our position that the Agreement for Assignment of Inventions ("Agreement"), which you executed August 26, 1985, clearly covers the assignment of the above-referenced application and that AT&T Corp is the rightful owner of this invention. It is our understanding that you have still not retained patent counsel to assert your position. Please inform us if this status changes.

Notwithstanding this ownership dispute, in order to clearly fulfill our obligations with the U.S. Patent and Trademark Office, I am enclosing a copy of the above-identified patent application that has already been filed in the U.S. Patent and Trademark Office on January 2, 2000. This application is the result of attorney work product that has been paid for by AT&T Corp and is proprietary and confidential.

You will recall that Mr. Benjamin Lee met with you and Mr. Robert Calderbank on March 22, 2002. Mr. Lee had brought a copy of the above-referenced application, declaration and assignment and requested that you execute the two latter documents. I was informed that you declined to execute them. You will likely recall that I myself repeatedly attempted to contact you during your employment with AT&T Corp. with regard to this patent matter via electronic mail, voice mail and at least one personal visit to your office all prior to March 22, 2002. You never replied to me. I am once again, and finally, attempting to reach you and resolve this outstanding patent matter.

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OFFICE OF PETITIONS

In addition to the application, I have also enclosed formal documents, namely the Declaration for Utility Patent Application ("Declaration") and the Assignment and Agreement ("Assignment"), that must be signed in order to complete our patent filing requirements. I would like to point out the distinctions between these two formal documents, and request that you execute at least the Declaration in the event that you maintain your "claim of ownership" in the patent application. In general, the Declaration states that you believe you are the original, first, and sole inventor of the invention disclosed in the application. In general, the Assignment states that you are assigning your rights in the invention disclosed in the application to AT&T Corp. for value received.

As you will note, the two documents are very different in purpose and scope. I ask, at a minimum, that you execute the Declaration and go on record as being the inventor of the application. It is my understanding that you are not contesting the fact that you are the sole inventor of the invention. Notwithstanding this, we have begun an investigation to determine if any other AT&T employees contributed to the discovery of this invention and would thus qualify as inventors.

By executing the Declaration, you are not making any statements with regard to ownership, as that is not the purpose of the Declaration, but rather the purpose of the Assignment. I advise you that if you do not execute this Declaration, you are in violation of the Agreement in which you agreed "to execute, acknowledge and deliver all such further papers, including applications for patents, as may be necessary to obtain patents for said inventions in any and all countries and to vest title thereto in said Bell Telephone Laboratories, Incorporated, its successors or assigns." This point, of course, holds true with respect to the execution of the Assignment as well.

Given that you have been uncooperative, I advise you to seek patent counsel to better understand your legal position with respect to this and the other similar outstanding patent matters you have with AT&T Corp. Any questions you have, you can raise with such counsel.

I do, however, advise you that, as inventor, you have a legal obligation to advise the U.S. Patent and Trademark Office of the existence of any and all relevant prior art documents, including journal articles, patents, conference proceedings, and any other published items, as well as any past commercial activity that a Patent Examiner would consider material to examining your patent application for purposes of novelty and non-obviousness. If you are aware of any such materials that may have a bearing on your patent application, please inform me immediately.



In the event that you execute the Declaration, I have enclosed an addressed envelope for your convenience. In the alternative, written acknowledgement that you are unwilling to execute the Declaration and Assignment would also be appreciated.

Sincerely,

*Christine M. Szwerc*  
Christine M. Szwerc  
Managing Attorney

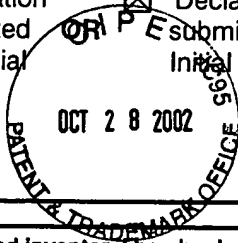
Encs.  
As stated

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# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

☐ Declaration Submitted with Initial Filing

☒ Declaration Submitted after Initial Filing



Attorney Docket Number 2000 0311 P

First Named Inventor Mathilde Benveniste

## COMPLETE IF KNOWN

Application Number 10/032507

Filing Date 01/02/2002

Group Art Unit 2635

Examiner Name TBA

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Random Medium Access Methods With Backoff Adaptation To Traffic

(Title of the invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on 01/02/2002 as United States Application Number or PCT International

Application Number 10/032507 and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of an application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) below.

Application Number(s)	Filing Date( MM/DD/YYYY)	<input checked="" type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto
60/258885	01/02/2001	
60/261165	01/16/2001	

SEND TO: Commissioner for Patents, Box Patent Applications, Washington, D.C. 20231

Attorney Docket Number: 2000-0611 P

**DECLARATION - Utility or Design Patent Application**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

<b>U.S. Parent Application or PCT Parent Number</b>	<b>Parent Filing Date (MM/DD/YYYY)</b>	<b>Parent Patent Number (if applicable)</b>
OCT 28 2002 09 985257	11/02/2001	

☐ Additional U.S. or PCT International application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

☒ Customer Number 26652

Place Customer Number Bar Code Label here

OR

☐ Registered practitioner(s) name/registration number listed below

Name	Registration Number	Name	Registration Number
CANAVAN, Robert T.	37592	CONOVER, Michele L.	34962
DELACRUZ, Cedric G.	36498	DWORETSKY, Samuel H.	27873
ISAACSON, Thomas M.	44166	LEE, Benjamin S.	42787
LEVY, Robert B.	28234	MCGAHAN, Susan E.	35948
MONKA, Gary H.	35290	RESTAINO, Thomas A.	33444

☒ I also appoint the following additional registered practitioner(s) named on the Registered Practitioner Information (Supplemental Sheet) (PTO/SB/02C modified by AT&T Corp.) attached hereto with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Direct all phone inquiries to: Szwerc, Christine M. 908-221-8930

Direct all written correspondence to:

☒ Customer Number or Bar Code Label

Customer Number - 26652

or ☐ Correspondence address below

<b>NAME</b>	Samuel H. Dworetsky				
<b>ADDRESS</b>	AT&T CORP. P.O. Box 4110				
<b>CITY</b>	Middletown	<b>STATE</b>	New Jersey	<b>ZIP CODE</b>	07748-4110
<b>COUNTRY</b>	United States of America	<b>FAX</b>	732-368-6932		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>Name of Sole or First Inventor</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
<b>Name</b>	Mathilde Benveniste		
<b>Signature</b>		<b>Date</b>	
<b>Citizenship</b>	United States		
<b>Address (line 1)</b>	76 Harding Drive		
<b>Address (line 2)</b>	South Orange		
<b>Address (line 3)</b>	Essex County		
<b>Address (line 4)</b>	New Jersey		
<b>Address (line 5)</b>	USA		
<b>Zip Code</b>	07079		

☐ Additional Inventors are being named on the separately numbered sheets attached hereto

SEND TO: Commissioner for Patents, Box Patent Applications, Washington, DC 20231

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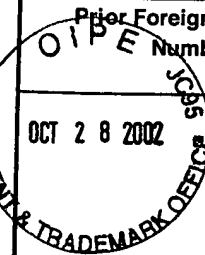
OCT 30 2002

OFFICE OF PETITIONS

Attorney Docket Number: 2000-0611 P

# DECLARATION -- Supplemental Priority Data Sheet

## Additional Foreign Applications:

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
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## Additional Provisional applications:

Application Number(s)	Filing Date( MM/DD/YYYY)
60/264727	01/30/2001
60/267439	02/09/2001
60/270862	02/26/2001
60/271731	02/28/2001
60/272786	03/05/2001

## Additional U.S. applications:

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

SEND TO: Commissioner for Patents, Box Patent Applications, Washington, DC 20231

ASSIGNMENT AND AGREEMENT

For value received, each of the undersigned, Mathilde Benveniste of South Orange in the County of Essex and State of New Jersey, hereby sells, assigns and transfers to AT&T Corp., a corporation of the State of New York, having an office at 32 Avenue of the Americas, New York, New York 10013-2412, United States of America, and its successors, assignees and legal representatives, the entire right, title and interest, for the United States of America, in and to certain inventions related to

**Random Medium Access Methods With Backoff Adaptation To Traffic**

described in an application for Letters Patent for the United States of America,

☐ for which an application for a United States Patent was executed by each of the undersigned of even date herewith or

☒ for which an application for a United States Patent was filed on 01/02/2002 Application Number 10/032507 and that this application in part discloses and claims subject matter disclosed in our earlier filed pending application, Application No. 09/985257 filed 11/02/2001

☒ and based on our prior provisional applications for United States Patents filed as Application Numbers 60/258,885; 60/261165; 60/264727; 60/267439; 60/270862; 60/271731 and 60/272786 filed 01/02/2001; 01/16/2001; 01/30/2001; 02/09/2001; 02/26/2001; 02/28/2001 and 03/05/2001, respectively,

and all the rights and privileges in said application and under any and all Letters Patent that may be granted in the United States for said inventions; and the undersigned also concurrently hereby sell, assign and transfer to AT&T Corp. the entire right, title and interest in and to said inventions for all countries foreign to the United States, including all rights of priority arising from the application aforesaid, and all the rights and privileges under any and all forms of protection, including Letters Patent, that may be granted in said countries foreign to the United States for said inventions.

The undersigned authorize AT&T Corp. to make application for such protection in its own name and maintain such protection in any and all countries foreign to the United States, and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from the undersigned, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

The undersigned hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of AT&T Corp. to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

The undersigned request that any and all patents for said inventions be issued to AT&T Corp. in the United States and in all countries foreign to the United States, or to such nominees as AT&T Corp. may designate.

The undersigned agree that, when requested, the undersigned shall, without charge to AT&T Corp. but at its expense, sign all papers, and do all acts which may be necessary, desirable or convenient in connection with said applications, patents, or other forms of protection.



\_\_\_\_\_  
Mathilde Benveniste

Date: \_\_\_\_\_

United States of America

)

State of

) ss.:

County of

)

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me personally came Mathilde Benveniste, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

\_\_\_\_\_  
Notary Public

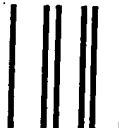
AT&T CORP.

P.O. Box 4110

Middletown, New Jersey 07748-4110



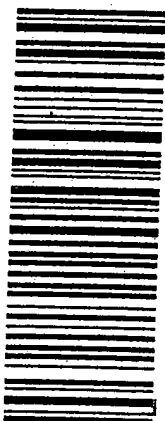
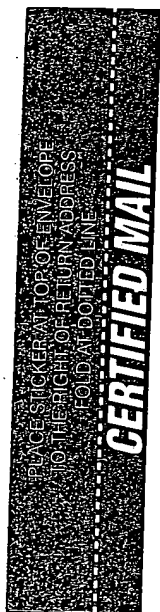
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• Sender: Please print your name, address, and ZIP+4 in this box •

Christine M. Szwerc  
Room 3245F2  
AT&T Corp.  
295 N. Maple Ave.  
Basking Ridge, NJ 07920



7000 0600 0029 5245 8703  
7000 0600 0029 5245 8703

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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

Recipient's Name (Please Print Clearly) (to be completed by addressee)

Ms. Mathilde Benveniste

Street, Apt. No., or PO Box No.

76 Harding Drive

City, State, ZIP+4

South Orange, NJ 07079

PS Form 3800, February 2000

See Reverse for Instructions



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Ms. Mathilde Benveniste**  
**76 Harding Drive**  
**South Orange, NJ 07079**

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

**X**☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail☐ Registered ☐ Return Receipt for Merchandise☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

**7000 0600 0029 5245 8703**

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

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**OCT 30 2002**  
**OFFICE OF PETITIONS**

295 North Maple Avenue  
Basking Ridge, NJ 07920-1001

# First Class

C. SZWELC

21/12

**Forwarding and Address Correction Requested**

Init. CMS Am. No. 3245 FZ

[illegible]

Ms. Mathilde Benveniste

76 Harding Drive

0690C 88-007

9-10-02

NAS: ~~Q-R~~  
1st Notice ~~10~~  
2nd Notice ~~20~~  
Return ~~20~~

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Exhibit C

# First Class



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**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Ms. Mathilde Benveniste  
76 Harding Drive  
South Orange, NJ 07079

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

**3. Service Type**

☒ Certified Mail

☐ Registered

☐ Insured Mail

☐ Express Mail

☐ Return Receipt for Merchandise

☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

**2. Article Number (Copy from service label)**

7000 0600 0029 5245 8703

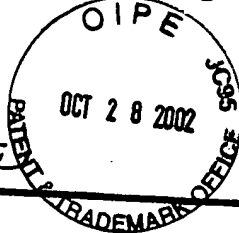
PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

Attorney's Initials: *CMS/DC, Jit.*  
COMMISSIONER FOR PATENTS, &

Exhibit D



Post Mail No.  
Date of Mailing

Docket No. *2000-06110*

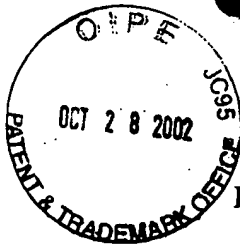
Applicant: *Mathilde Benveniste*

Application No. *10/032507*  
Filing Date *01/02/2002*

- |   |   |
|---|---|
| <input type="checkbox"/> Specification      # of Pages                                  | <input checked="" type="checkbox"/> Assoc./Power of Attorney                              |
| <input type="checkbox"/> Claims              # of Pages                                 | <input type="checkbox"/> Assignment   |
| <input type="checkbox"/> Abstract            # of Pages                                 | <input type="checkbox"/> Recordation Form Cover Sheet                                     |
| <input type="checkbox"/> Drawings          # of Sheets                                  | <input type="checkbox"/> IDS (Information Disclosure Statement)                           |
| <input type="checkbox"/> Response to O.A. (Type)  | <input type="checkbox"/> Oath and Declaration   |
| <input type="checkbox"/> Response to Notice to File Missing Parts                       | <input type="checkbox"/> PTO 1449 Form with references                                    |
| <input type="checkbox"/> Amendment  | <input type="checkbox"/> Preliminary Amendment  |
| <input type="checkbox"/> Notice of Appeal   | <input type="checkbox"/> Transmittal Letter <input type="checkbox"/> Fee Transmittal Form |
| <input type="checkbox"/> Appeal Brief   | <input type="checkbox"/> Issue Fee Transmittal  |
| <input checked="" type="checkbox"/> Other <i>Letter Accompanying Powers of Attorney</i> | <input type="checkbox"/> Letter to Official Draftsman                                     |
| <i>Letter from Mark C. Rosenblum</i>  | <input type="checkbox"/> Extension of Time  |
| <input type="checkbox"/> PCT Request Form   |   |
| <input type="checkbox"/> PCT Demand Form  |   |
| <input type="checkbox"/> PCT Invitation to Correct                                      |   |

PT 22 Papers mailed to Commissioner of Patents and Trademarks

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**PATENT APPLICATION**  
Application No. 10/032,507

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**In re Application of:** Mathilde Benveniste

**Docket No.:** 2000-0611 P (Old 2000-0611E)

**Serial No.:** 10/032,507

**Group Art Unit:** 2176

**Filed:** January 02, 2002

**Examiner:** TBA

**Title:** Random Medium Access Methods with Backoff Adaptation to Traffic

**COMMISSIONER FOR PATENTS  
WASHINGTON, D. C. 20231**

**RECEIVED**

OCT 30 2002

**SIR:**

**OFFICE OF PETITIONS**

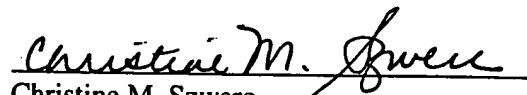
**Letter Accompanying Powers of Attorney**

In an abundance of caution, the undersign files two powers of attorney, given that the sole inventor has been uncooperative in executing the formal paper work. (On April 17, 2002, the undersigned filed with the US PTO a Declaration Under 37 C.F.R. § 1.47(b) for the sole inventor Mathilde Benveniste.)

First, the undersigned files a letter executed by Mark C. Rosenblum, Vice President of AT&T Corp., that grants authority to Samuel H. Dworetsky to conduct patent matters on behalf of AT&T Corp. Second, the undersign files an Associate Power of Attorney executed by Samuel H. Dworetsky recognizing all the attorneys associated with Customer No. 26652, of which the undersigned is one, the full power to prosecute the above-referenced application.

Any questions in regard to the above-referenced application or this letter may be directed to the undersigned at (908) 221-8930.

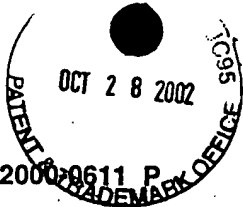
Respectfully submitted,

  
Christine M. Szwerc  
Reg. No. 43,177

Date: 7/25/02

AT&T Corp.  
200 Laurel Ave  
P.O. Box 4110  
Middletown, NJ 07748

Attorney Docket No. 2000-0611 P



IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s)	Mathilde Benveniste
Application No	10/032507
Confirmation No.	8744
Filing Date	01/02/2002
Examiner:	Not Yet Assigned
Group Art Unit	
Title	Random Medium Access Methods With Backoff Adaptation To Traffic

COMMISSIONER FOR PATENTS  
WASHINGTON, D. C. 20231

SIR:

**ASSOCIATE POWER OF ATTORNEY**

Please recognize all attorneys associated with Customer Number 26652 of AT&T Corp., of Middletown, NJ, as an associate attorney in the above-mentioned application, with full power to prosecute said application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith.

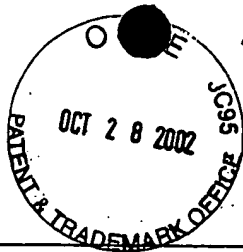
Please direct all written correspondence in this application to Samuel H. Dworetsky, AT&T Corp., P. O. Box 4110, Middletown, New Jersey 07748. Please direct all telephone calls in this application to Christine M. Szwerc at 908-221-8930.

A handwritten signature in black ink, appearing to read "Samuel H. Dworetsky", written over a horizontal line.

Samuel H. Dworetsky  
Reg. No. 27,873  
Attorney for Applicants

Date: 7/25/02  
AT&T Corp.  
P. O. Box 4110  
Middletown, New Jersey 07748

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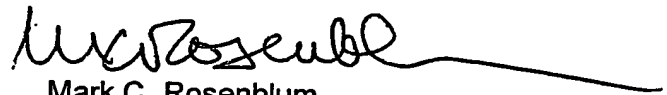
Mark C. Rosenblum  
Vice President - Law

Room 1146M2  
295 No. Maple Avenue  
Basking Ridge, NJ 07920  
908 221-3539  
FAX 908 221-4490  
EMAIL rosenblu@att.com

April 22, 2002

Mr. Samuel H. Dworetsky  
Mr. Thomas A. Restaino

As an Officer of AT&T Corp., a New York Corporation having offices at 32 Avenue of the Americas, New York, NY 10013-2412, USA, I hereby delegate to each of you my authority to grant the consent of AT&T Corp., as may be appropriate, in matters of domestic and foreign patent prosecution before (a) national and regional entities authorized by law to grant patents and/or Inventor's Certificates and (b) the World Intellectual Property Organization.

  
Mark C. Rosenblum

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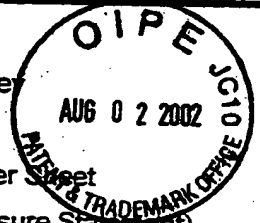
Attorney's Initials: CMF/DC/JLB  
COMMISSIONER FOR PATENTS, BOX

Docket No. 2000-0611P  
Applicant: Mathilde Benveniste

☐ Express Mail No.  
☒ Certificate of Mailing

Application No. 10/032507  
Filing Date 01/02/2002

<input type="checkbox"/> Specification	# of Pages	
<input type="checkbox"/> Claims	# of Pages	
<input type="checkbox"/> Abstract	# of Pages	
<input type="checkbox"/> Drawings	# of Sheets	<input type="checkbox"/> Formal
<input type="checkbox"/> Response to O.A. (Type)		
<input type="checkbox"/> Response to Notice to File Missing Parts		
<input type="checkbox"/> Amendment		
<input type="checkbox"/> Notice of Appeal		
<input checked="" type="checkbox"/> Appeal Brief		
<input checked="" type="checkbox"/> Other <u>Letter Accompanying Powers of Attorney</u>		
<u>Letter from Mark C. Rosenblum</u>		
<input type="checkbox"/> PCT Request Form		
<input type="checkbox"/> PCT Demand Form		
<input type="checkbox"/> PCT Invitation to Correct		
<input checked="" type="checkbox"/> Assoc./Power of Attorney		
<input type="checkbox"/> Assignment		
<input type="checkbox"/> Recordation Form Cover Sheet		
<input type="checkbox"/> IDS (Information Disclosure Statement)		
<input type="checkbox"/> Oath and Declaration		
<input type="checkbox"/> PTO 1449 Form with references		
<input type="checkbox"/> Preliminary Amendment		
<input checked="" type="checkbox"/> Transmittal Letter	<input type="checkbox"/> Fee Transmittal Form	
<input type="checkbox"/> Issue Fee Transmittal		
<input type="checkbox"/> Letter to Official Draftsman		
<input type="checkbox"/> Extension of Time		







Bell Labs

Please answer "Yes" or "No" to the following questions:

I. Have you made any inventions

1. upon which a patent or patents have been granted?

No

2. upon which applications for patent have been made and are still pending?

No

3. upon which no applications for patent have as yet been filed?

No

II. Some companies require the assignment of inventions and an obligation of confidentiality with respect to proprietary information by employees both during their employment and for a period of time after. Are you currently under any such obligation?

No

Signature

Mathilde Berenista

Type or Print Name

Mathilde Berenista

Payroll Account No.

112013

Date

8/26/85

H0-85-940



AGREEMENT FOR ASSIGNMENT OF INVENTIONS

IN CONSIDERATION of my employment by Bell Telephone Laboratories, Incorporated, during such time as may be mutually agreeable to that Corporation and myself, I hereby assign and agree to assign to said Corporation, its successors and assigns, all my rights to inventions which, during the period of my employment by said Corporation or by its successors in business, I have made or conceived or may hereafter make or conceive, either solely or jointly with others, in the course of such employment or with the use of said Corporation's time, material or facilities, <sup>and</sup> relating to any subject matter with which said Corporation is or may be concerned; and I further agree, without charge to said Corporation, but at its expense, to execute, acknowledge and deliver all such further papers, including applications for patents, as may be necessary to obtain patents for said inventions in any and all countries and to vest title thereto in said Bell Telephone Laboratories, Incorporated, its successors or assigns.

WITNESS my hand and seal this 26th day of August 19 85

Herbert S. Bernstein (Seal)

WITNESS

E. L. Lay

Hand: 112013  
Code Number: H0-85-940

SENT BY:

11- 7-86 ; 17:20 ;

IP LA

Exhibit F



**State of New York } ss:  
Department of State }**

*I hereby certify that I have compared the annexed copy with the original document filed by the Department of State and that the same  
a correct transcript of said original.*

*Witness my hand and seal of the Department of State on* **AUG 29 1994**

*Secretary of State*

DOG-200 (12/87)

## CERTIFICATE OF MERGER

of

AT&amp;T TECHNOLOGIES, INC.

AND BELL TELEPHONE LABORATORIES, INCORPORATED  
into

AMERICAN TELEPHONE AND TELEGRAPH COMPANY

Under Section 905 of the Business Corporation

We, the undersigned, being respectively the  
Senior Vice President-Law and Secretary of American Tele-  
and Telegraph Company, the surviving corporation certify:

1. The plans of merger have been adopted by the  
board of directors of the surviving corporation.

2. The name of the surviving corporation is  
American Telephone and Telegraph Company; its certificate  
incorporation was filed in the Office of the Secretary of  
State of the State of New York on March 3, 1885 and the na-  
of the subsidiary corporations are AT&T Technologies, Inc.  
(originally known as Interim Holding Corporation) and Bell  
Telephone Laboratories, Incorporated; their certificates of  
incorporation were filed in the Office of the Secretary of  
State of the State of New York on August 19, 1966 and Decem-  
ber 27, 1924, respectively.

3. The designation and number of outstanding  
shares of each class of each subsidiary corporation to be  
merged, and the number of each such class owned by the  
surviving corporation is as follows:

<u>Name of Subsidiary</u>	<u>Designation of Class and Number Outstanding</u>	<u>Number of Each Owned by Surviving Corporation</u>
AT&T Technologies, Inc.	1.011 Common Shares	1.011 Common Shares
Bell Telephone Laboratories, Incorporated	4 Common Shares	4 Common Shares

4. The mergers shall be effective on December 31,  
1989.

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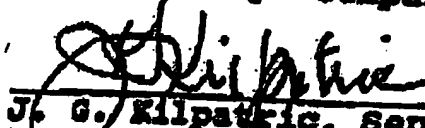


- 2 -

IN WITNESS WHEREOF, we have signed this cert  
this 31st day of December 19 89, and affirm the truth of  
statements contained therein under penalty of perjury.

American Telephone  
Telegraph Company

By

  
J. G. Kilpatrick, Sr.  
Vice President-Law

  
R. E. Scannell, Secre

2



CT

(2)

CO91508

10/13/84

CERTIFICATE OF MERGER

OF

AT&T TECHNOLOGIES, INC.,

AND BELL TELEPHONE LABORATORIES, INCORPORATED

into

AMERICAN TELEPHONE AND TELEGRAPH COMPANY

STATE DEPARTMENT

FILED DE

AMT. OF CH  
FLAG FEES

TAXS

COUNTY FEE

COPIES

CERTS

REFUNDS

SPEC HANDLE

BY:

*[Signature]*

DEC 29 1 08 PM '85

Under Section 905 of the Business Corporation Law

COUNSEL:

Virginia K. Trola, Atty  
AT&T Communications, Inc.  
295 N. Maple Avenue  
Basking Ridge, NJ 07910  
Att: Linda Swell, L.A.

534489

12/27/84

ny co

7687687-6

#2475-121

4 NPV

JNB

(3)

3/31/85

ny co

L-C020028-3

#6F-61

1,600,000,000 F

BILLED

Exhibit G

State of New York  
Department of State } ss.

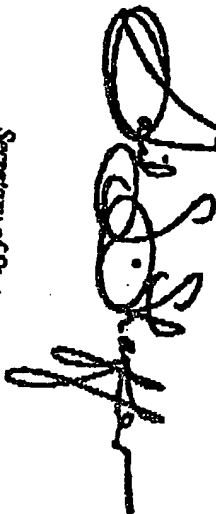
004352

*I hereby certify that I have compared the annexed copy with the original document filed by the Department of State and that the same is a correct transcript of said original.*

*Witness my hand and seal of the Department of State on*

JAN 10 1994

Secretary of State



108-200 (1/28/7)





F9404200003

CERTIFICATE OF AMENDMENT

OF THE

PH - 32

CERTIFICATE OF INCORPORATION

PH - 32

OF

AMERICAN TELEPHONE AND TELEGRAPH COMPANY  
UNDER SECTION 1304 OF THE BUSINESS CORPORATION LAW)

RECEIVED

APR 20 12 22 PM '94

BILLED

STATE OF NEW YORK  
DEPARTMENT OF STATE

FILED APR 20 1994

TAXS

BY: SLWAMERICAN TELEPHONE AND TELEGRAPH COMPANY  
295 NORTH MAPLE AVENUE  
BASKING RIDGE, NEW JERSEY 07920

2 940420000 347



PH-32  
OCT 28 2002  
JCS  
PATENT & TRADE

Certificate of Amendment of the Certificate of Incorporation  
of  
American Telephone and Telegraph Company

PH

Under Section 805 of the Business Corporation Law

F-940420000

We, the undersigned, being a Vice President and an Assistant Secretary respectively, of American Telephone and Telegraph Company, do hereby certify as follows:

FIRST: The name of the corporation is American Telephone and Telegraph Company.

SECOND: The Certificate of Incorporation of the corporation was filed by the Department of State on March 3, 1885.

THIRD: The Certificate of Incorporation of the corporation is hereby amended by changing the name of the corporation to AT&T Corp.

FOURTH: To accomplish the foregoing amendment, Article FIRST of the Certificate of Incorporation of the corporation is amended to read as follows:

FIRST. The name of the corporation is AT&T Corp.

FIFTH: The manner in which the foregoing amendment of said Certificate of Incorporation of the corporation was authorized was by vote of the holders of a majority of all outstanding shares of the corporation entitled to vote thereon at a meeting of shareholders, subsequent to the unanimous vote of the Board of Directors.

IN WITNESS WHEREOF, we have subscribed this document on April 20, 1994 and do hereby affirm, under the penalties of perjury, that the statements contained therein have been examined by us and are true and correct.

By

Jim G. Kilpatrick  
Senior Vice President-Law

By

Robert A. Maynes  
Assistant Secretary

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

10/032507

Filing Date

01/02/2002

First Named Inventor

Mathilde Benveniste

Group Art Unit

2176

Examiner Name

Not Yet Assigned

Total Number of Pages in this Submission

4

Attorney Docket Number

2000-0611 P

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AUG 06 2002

## Enclosures (check all that apply)

Technology Center 2100

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Response
- ☐ After Final
- ☐ Affidavits / Declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Response to Missing Parts/Incomplete Application
- ☒ Associate Power of Attorney

- ☐ Assignment & Recordation Cover Sheet
- ☐ Drawing(s) & Letter to Official Draftsman
- ☐ Licensing-related Papers
- ☐ Petition to the Commissioner
- ☐ Petition to Convert a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund

- ☐ After Allowance Communication to Group
- ☐ Appeal Communications to Board of Appeals and Interferences
- ☐ Appeal Communications to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Return Receipt Postcard
- ☐ CD, Number of CDs
- ☒ Additional enclosure(s) (please identify below)

Letter Accompanying Powers of Attorney

Letter from Mark C. Rosenblum

Remarks

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AUG 09 2002

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## CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

Customer Number - 26652

or ☐ Correspondence address below

NAME	Samuel H. Dworetzky		
ADDRESS	AT&T CORP. P.O. Box 4110		
CITY	Middletown	STATE	New Jersey
COUNTRY	United States of America	ZIP CODE	07748-4110
		FAX	732-368-6932

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

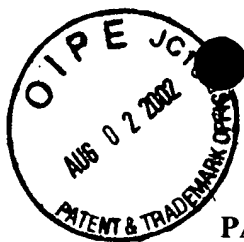
NAME	Christine M. Szwerc	Reg. #	43177
TELEPHONE	908-221-8930		
SIGNATURE	<i>Christine M. Szwerc</i>	DATE	7/26/02

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage thereon as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: 7/26/2002

Type or Printed Name	Joyce Burns
Signature	<i>Joyce Burns</i>
Date	7/26/2002

SEND TO: Commissioner for Patents, Washington, D.C. 20231



COPY OF PAPERS  
ORIGINALLY FILED

PATENT APPLICATION  
Application No. 10/032,507

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

In re Application of: Mathilde Benveniste  
Docket No.: 2000-0611 P (Old 2000-0611E)  
Serial No.: 10/032,507  
Group Art Unit: 2176  
Filed: January 02, 2002  
Examiner: TBA

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AUG 06 2002  
Technology Center 2100

Title: Random Medium Access Methods with Backoff Adaptation to Traffic

COMMISSIONER FOR PATENTS  
WASHINGTON, D. C. 20231

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AUG 09 2002  
OFFICE OF PETITIONS

SIR:

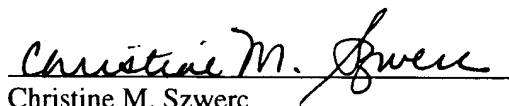
Letter Accompanying Powers of Attorney

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First, the undersigned files a letter executed by Mark C. Rosenblum, Vice President of AT&T Corp., that grants authority to Samuel H. Dworetsky to conduct patent matters on behalf of AT&T Corp. Second, the undersign files an Associate Power of Attorney executed by Samuel H. Dworetsky recognizing all the attorneys associated with Customer No. 26652, of which the undersigned is one, the full power to prosecute the above-referenced application.

Any questions in regard to the above-referenced application or this letter may be directed to the undersigned at (908) 221-8930.

Respectfully submitted,

  
Christine M. Szwerc  
Reg. No. 43,177

Date: 7/25/02

AT&T Corp.  
200 Laurel Ave  
P.O. Box 4110  
Middletown, NJ 07748